

REMARKS

Claims 1-24 are pending.

Claims 1 and 11-13 stand rejected under 35 USC §102(b) as being anticipated by Tanaka et al (US 202/0121341 A1)

Claims 14-15 stand rejected under 35 USC §103(a) as being unpatentable over Tanaka et al (US 2002/0121341 A1) as applied to claim 13 above and further in view of Nagamine (US 2002/0053319).

Changes in the Claims:

Claims 1, and 11 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. The amendments are supported by the specification as originally filed, for example, FIGS. 4a-4f. No new matter has been added.

The claims are also based on Paragraph 14 of the Office Action dated 01/03/2006.

Rejection under 35 USC §102(b) – claims 1 and 11-13

Claims 1 and 11-13 stand rejected under 35 USC §102(b) as being anticipated by Tanaka et al (US 2002/0121341 A1). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and Verdegaal Bros. V. Union Oil, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection under §102(b) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Tanaka describes a rinse discharge nozzle having supply ports 638, 642, outlet ports 640, 644, and a discharge port 632. Supply valves 648, 668 are respectively connected to supply ports 638, 642. Outlet valves 652, 672 are respectively connected to outlet ports 640, 644. The discharge port 632 is located on the bottom of the chamber 634. The outlet ports 640, 644 are located **above** the bottom of the chamber 634.

In contrast, Claims 1 and 11 claim “the drain opening at a height less than the height at which the at least one outlet opening is located relative to a bottom of the

passageway". Tanaka does not teach or suggest "the drain opening at a height less than the height at which the at least one outlet opening is located relative to a bottom of the passageway."

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1 and 11-13 are now in condition for allowance.

Rejection under 35 USC §102(b) – claims 14-15

Claims 14-15 stand rejected under 35 USC §102(b) as being anticipated by Tanaka et al (US 2002/0121341 A1). This rejection is respectfully traversed.

Claims 14 and 15 depend from Claim 11. The above arguments are equally applicable.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 14-15 are now in condition for allowance.

Rejection under 35 USC §103(a) – claims 14-15

Claims 14-15 stand rejected under 35 USC §103(a) as unpatentable over Tanaka et al (US 2002/0121341 A1) in view of Nagamine (US 2002/0053319). This rejection is respectfully traversed.

Applicant respectfully submits that the proposed combination of Tanaka and Nagamine does not teach or suggest all of the claim limitations of claims 14-15.

Applicant therefore submits that the rejection based the Tanaka and Nagamine reference be withdrawn. Thus, Applicant submits that claims 14-15 recite novel subject matter which distinguishes over any possible combination of Tanaka and Nagamine.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

Invitation for a Telephone Interview

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

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